

Item 5: Tentative Order R9-2002-0342,
General Waste Discharge Requirements for
the Disposal and/or Reuse of Petroleum
Fuel Contaminated Soils (FCS) in
the San Diego Region

December 11, 2002

ATTACHMENT NO. 6

CEQA COMPLIANCE:

**RESOLUTION NO. 93-013: A RESOLUTION ADOPTING A
NEGATIVE DECLARATION FOR ADDENDA NOS. 1, 2,
AND 3 TO RESOLUTION NO. 83-21**

(6)

State of California
Regional Water Quality Control Board
San Diego Region

Executive Officer Summary Report
November 15, 1993

Item: 5a

Subject: WASTE DISCHARGE REQUIREMENTS
Resolution No. 93-103: Consideration of
Negative Declaration

Discussion: At the October 18, 1993 Board meeting, a public hearing was held to consider comments on the Negative Declaration for Addenda Nos. 1, 2 and 3. Written comments regarding the Negative Declaration were received from the California Integrated Waste Management Board and were presented by staff during the public hearing. After the public hearing was completed, the Regional Board decided to continue this item to its next meeting.

At today's meeting, the Regional Board may approve the Negative Declaration for Addenda Nos. 1, 2 and 3 to Resolution No. 83-21. The Regional Board must adopt the Negative Declaration prior to the adoption of tentative Addenda Nos. 1, 2 and 3 to Resolution No. 83-21. The Initial Study determined that the proposed Addenda could not have a significant effect on the environment. Any potential impacts to waters of the State will be minimized provided that the discharge meets the appropriate conditions specified in the addenda.

Tentative Resolution No. 93-103 would, if adopted, approve the Negative Declaration for tentative addenda nos. 1, 2 and 3 to Resolution No. 83-21.

Issue: Should the Regional Board adopt tentative Resolution No. 93-103?

Recommendation: Adoption of tentative Resolution No. 93-103 is recommended.

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN DIEGO REGION

RESOLUTION NO. 93-103

A RESOLUTION ADOPTING A NEGATIVE DECLARATION
FOR ADDENDA NOS. 1, 2 AND 3 TO RESOLUTION NO. 83-21

WHEREAS, the Regional Board is considering the adopting of tentative Addenda Nos. 1, 2, and 3 to Resolution No. 83-21 which will waive waste discharge requirements for: 1) temporary disposal of contaminated soils to land (Addendum No. 1); 2) disposal or reuse of specified soils (Addendum No. 2) and 3) green waste composting facilities (Addendum No. 3); and

WHEREAS, the California Regional Water Quality Control Board, San Diego Region is required to comply with the provisions of Chapter 3 (commencing with Section 21100) of Division 13 of the Public Resources Code prior to the adoption of or waiver of any waste discharge requirement; and

WHEREAS, the Regional Board is functioning as the lead agency, which has the principal responsibility for approving the proposed project and is responsible for preparation of environmental documents; and

WHEREAS, on the basis of the Initial Study concerning addenda nos. 1, 2 and 3 to Resolution No. 83-21 prepared by Regional Board staff in accordance with the California Environmental Quality Act (Public Resources Code, Section 21000 et. seq.) and the State guidelines, this Regional Board finds that the project, will have no significant environmental impacts; and

WHEREAS, Regional Board staff has prepared a Negative Declaration pertaining to the proposed waivers of waste discharge requirements; and

WHEREAS, a notice that the Regional Board proposes to adopt a Negative Declaration was published in several newspapers throughout the San Diego Region; and

WHEREAS, a copy of the notice with the proposed Negative Declaration was sent to the State Clearinghouse and local responsible agencies for review; and

WHEREAS, on October 18, 1993, this Regional Board held a public hearing for the purpose of receiving testimony concerning the proposed Negative Declaration; and

WHEREAS, this Regional Board has reviewed and carefully considered all comments and testimony received to the proposed Negative Declaration regarding Addenda Nos. 1, 2 and 3 to Resolution No. 83-21.

THEREFORE BE IT RESOLVED, That the California Regional Water Quality Control Board, San Diego Region, hereby approves the Negative Declaration for the waivers of waste discharge requirements described in Addenda Nos. 1, 2, and 3 to Resolution No. 83-21 as contained in Attachment 1 of this Resolution.

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN DIEGO REGION

NEGATIVE DECLARATION

Subject: Waiver of waste discharge requirements for: 1) temporary disposal of contaminated soils to land; 2) disposal or reuse of soil containing low concentrations of pollutants; and 3) green waste composting facilities.

- I. PROJECT DESCRIPTION: See attached Initial Study.
- II. ENVIRONMENTAL SETTING: See attached Initial Study.
- III. DETERMINATION:

The California Regional Water Quality Control Board, San Diego Region, conducted an Initial Study which determined that the proposed project could not have any significant effect on the environment. The project as proposed avoids potentially significant environmental effects and preparation on an Environmental Impact Report will not be required.

IV. DOCUMENTATION

The attached Initial Study documents the reasons to support the above determination.

V. MITIGATION MEASURES

The project requires no mitigation measures since there are no potentially significant environmental impacts identified with the project.

VI. PUBLIC REVIEW DISTRIBUTION

Draft copies or notice of this Negative Declaration were distributed to:

County of San Diego, Department of Health Services
Environmental Health Section
Hazardous Materials Management
Environmental Health Coalition
San Diego Association of Governments
San Diego Unified Port District
Sierra Club
California Coastal Commission
California Environmental Protection Agency
California Integrated Waste Management Board

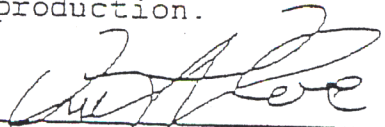
THEREFORE BE IT RESOLVED, That the California Regional Water Quality Control Board, San Diego Region, hereby approves the Negative Declaration for the waivers of waste discharge requirements described in Addenda Nos. 1, 2, and 3 to Resolution No. 83-21 as contained in Attachment 1 of this Resolution.

Department of Fish & Game
Marine Resources Division
Environmental Services Division
Regional Manager
Department of Parks & Recreation
Department of Pesticide Regulation
Department of Toxic Substances Control
Department of Water Resources
Resources Agency
State Coastal Conservancy
State Lands Commission
State Water Resources Control Board
National Marine Fisheries
U. S. Fish & Wildlife Service
U. S. Army Corps of Engineers
Construction Operations Division, Waterways Control Section
Los Angeles Office
San Diego Office
U. S. Environmental Protection Agency
Water Management Division, Permits & Compliance Branch
Wetlands and Coastal Planning Section
Marine Protection Section

VII. RESULTS OF PUBLIC REVIEW

- () No comments were received during the public input period.
- () Comments were received but did not address the Negative Declaration finding or the accuracy/completeness of the Initial Study. No response is necessary. The letters are attached.
- () Comments addressing the findings of the draft Negative Declaration and/or accuracy or completeness of the Initial Study were received during the public input period. The letters and responses follow.

Copies of the draft Negative Declaration and any Initial Study material are available in the office of the Regional Water Quality Control Board for review, or for purchase at the cost of reproduction.



Arthur L. Coe, Executive Officer
California Regional Water Quality Control Board
San Diego Region

9/9/93

Date of draft
report

Date of final
report

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN DIEGO REGION

INITIAL STUDY
FOR
A RESOLUTION CONDITIONALLY WAIVING
ADOPTION OF
WASTE DISCHARGE REQUIREMENTS
FOR
TEMPORARY DISCHARGE OF SPECIFIED CONTAMINATED SOILS,
DISPOSAL/REUSE OPTIONS FOR SPECIFIED SOILS,
GREEN WASTE COMPOSTING FACILITIES

September 10, 1993

Prepared by

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BACKGROUND

Section 13263(a) of the California Water Code requires that each California regional water quality control board (regional board) prescribe requirements as to the nature of any existing or proposed discharge within its area of jurisdiction. However, Section 13269 of the California Water Code gives regional boards the authority to conditionally waive adoption of waste discharge requirements for specific discharges and specific types of discharges where such waivers are not against the public interest.

On July 18, 1983, the Regional Board adopted Resolution No. 83-21, *A Resolution Conditionally Waiving Adoption of Waste Discharge Requirements for Certain Specific Types of Discharges*. Subsequently, Regional Board staff has received requests for waste discharge requirements for; (1) the temporary discharge of contaminated soils for either remediation or dewatering of dredge spoils; (2) the disposal or reuse of soil containing low concentrations of pollutants; and (3) green waste composting facilities. Staff has evaluated these types of projects and has determined that waivers of waste discharge requirements are warranted under certain conditions.

This "Initial Study" has been prepared by staff on the Regional Board to satisfy the requirements of the California Environmental Quality Act. On the basis of the conclusions of this initial study, Regional Board staff will recommend that the Regional Board adopt a Negative Declaration pertaining to tentative Addenda Nos. 1, 2 and 3 to Resolution No. 83-21.

DESCRIPTION OF PROPOSED ACTION

The proposed action is the adoption of tentative Addenda No. 1, No. 2 and No. 3 to Resolution 83-21, "A Resolution Conditionally Waving Adoption of Waste Discharge Requirements for Certain Specific Types of Discharges," by the Regional Board.

Addendum No. 1 would add temporary discharge of contaminated soils to Resolution No. 83-21. The waiver would apply to temporary discharge of contaminated soils associated with the remediation of soil contaminated by petroleum hydrocarbons or to temporary discharge associated with dewatering of dredge spoils.

Addendum No. 2 would add disposal or reuse of contaminated soils to Resolution 83-21. The waiver would apply to the disposal or reuse of soils containing low concentrations of pollutants. Concentration limits have been proposed for each specific disposal or reuse option to correlate with potential impacts to ground water, bays & estuaries, surface water, and the Pacific Ocean. The waiver would also establish limits for unrestricted use of soil.

Addendum No. 3 would add green waste composting facilities to Resolution 83-21. However, the waiver would only apply to green composting facilities that do not use any additives or amendments. Green waste is any plant material, including but not limited to, leaves, grass clippings, weeds, tree trimmings, untreated wood waste, or shrubbery clippings. "Green composting facility" means a facility that is operated for the purpose of producing compost from the green material fraction of the waste stream.

These addenda do not preclude Regional Board staff from requesting and reviewing such information as staff deems necessary to evaluate the potential water quality impacts of existing and proposed discharges of the types identified herein. Where adoption of waste discharge requirements for a specific discharge of a type identified herein is in the public interest, staff will draft tentative waste discharge requirements for that discharge for consideration by the Regional Board.

ENVIRONMENTAL SETTING

If adopted by the Regional Board, the provisions of the tentative Addenda to Resolution No. 83-21 would be applicable throughout the San Diego Water Quality Control Region (Region 9). Region 9 is located in the southwestern-most portion of California, as shown on Figure 1. The region comprises a northwest-southeast trending coastal province of approximately 3,900 square miles. The California Water Code defines the region as consisting of all basins draining into the Pacific Ocean between the southern boundary of the Santa Ana Water Quality Control Region (Region 8) and the California-Mexico boundary. The region includes eight principal stream systems. From north to south these are San Juan Creek, and the Santa Margarita, San Luis Rey, San Dieguito, San Diego, Sweetwater, Otay, and Tia Juana rivers. Valleys of these stream systems are generally characterized by wide, flat, gently sloping floors bordered by very steep sloped or bluffs, several hundred feet high.

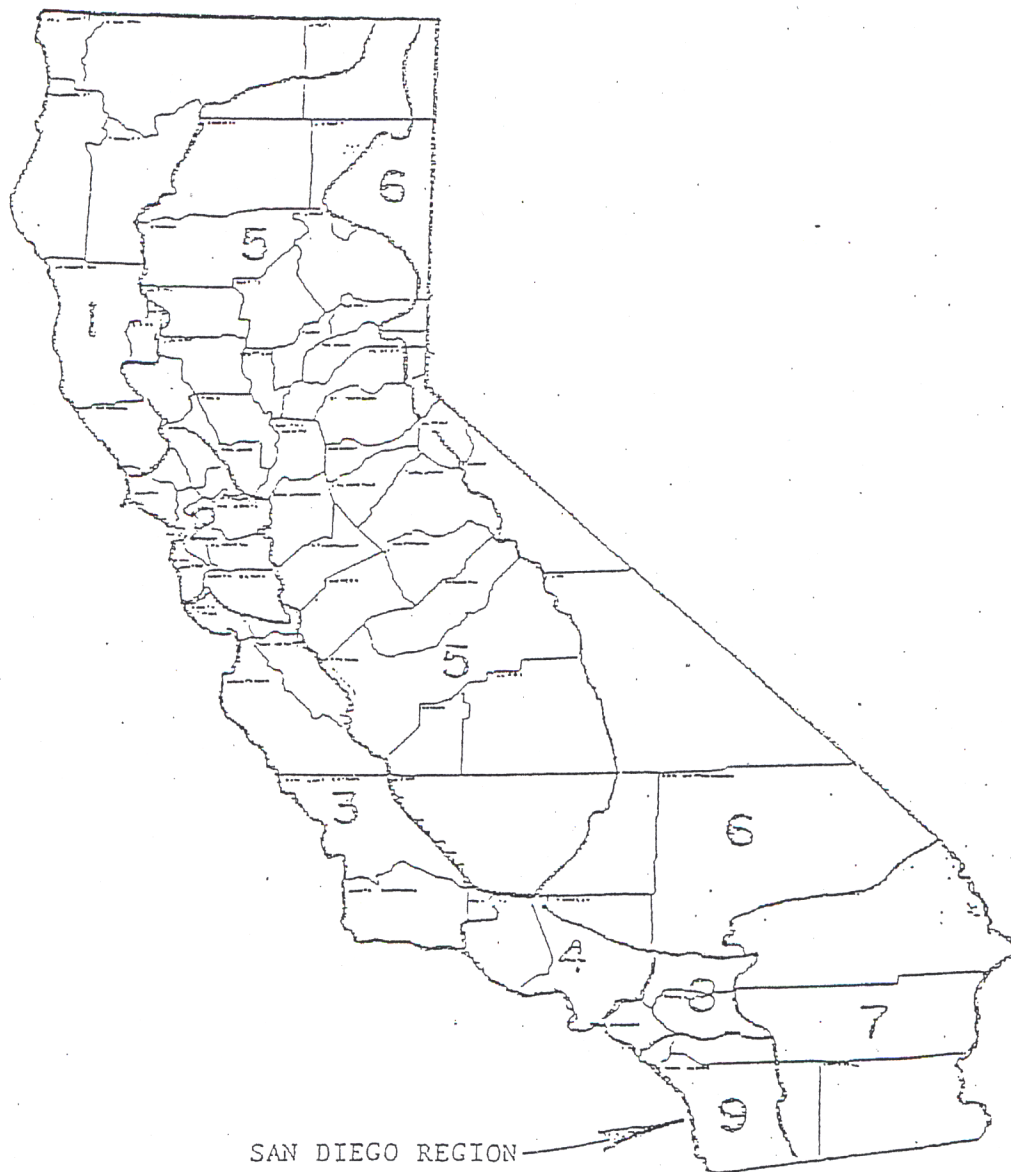
The region ranges from 20 to 50 miles in width, extends for about 95 miles from north of Laguna Beach southerly to the Mexican Border, and includes those waters of the Pacific Ocean immediately offshore of that reach which are under the jurisdiction of the State of California (i.e., waters up to three miles offshore). The region also includes San Diego Bay, Mission Bay, Dana Point Harbor, Oceanside Harbor/Del Mar Boat Basin, and several coastal lagoons, creek and river mouths, and sloughs.

The climate of the region is generally mild. Temperatures average approximately 65°F in coastal areas. Average temperatures in inland areas at higher elevations are somewhat lower. Mean annual precipitation in most of the region is less than 20 inches, although some mountain areas have a mean annual precipitation of as much as 45 inches. Precipitation generally occurs as rain, with snow common only in the higher mountain areas where the elevations of some peaks exceed 6,000 feet.

Population in the region is concentrated along or near the coast. In addition to the metropolitan San Diego area, major population centers in the region are Escondido, Oceanside, San Clemente, San Juan Capistrano, Laguna Niguel, Mission Viejo, and Laguna Beach.

FIGURE 1

LOCATION OF SAN DIEGO REGION



ENVIRONMENTAL CHECKLIST

ENVIRONMENTAL CHECKLIST FORM
(To Be Completed By Lead Agency)

I. Background

1. Name of Proponent California Regional Water Quality Control Board, San Diego Region
2. Address and Phone Number of Proponent 9771 Clairemont Mesa Boulevard, Suite San Diego, California 92124
(619) 467-2952
3. Date of Checklist Submitted 9/10/93
4. Agency Requiring Checklist California Regional Water Quality Control Board, San Diego Region
5. Name of Proposal, if applicable _____

II. Environmental Impacts

(Explanations of all "yes" and "maybe" answers are required on attached sheets.)

	<u>Yes</u>	<u>Maybe</u>	<u>No</u>
1. Earth. Will the proposal result in:			
a. Unstable earth conditions or in changes in geologic substructures?	_____	_____	<u>X</u>
b. Disruptions, displacements, compaction or overcovering of the soil?	_____	_____	<u>X</u>
c. Change in topography or ground surface relief features?	_____	_____	<u>X</u>
d. The destruction, covering or modification of any unique geologic or physical features?	_____	_____	<u>X</u>
e. Any increase in wind or water erosion of soils, either on or off the site?	_____	_____	<u>X</u>
f. Changes in deposition or erosion of beach sands, or changes in siltation, deposition or erosion which may modify the channel of a river or stream or the bed of the ocean or any bay, inlet or lake?	_____	_____	<u>X</u>
g. Exposure of people or property to geologic hazards such as earthquakes, landslides, mudslides, ground failure, or similar hazards?	_____	_____	<u>X</u>

	<u>Yes</u>	<u>Maybe</u>	<u>No</u>
2. Air. Will the proposal result in:			
a. Substantial air emissions or deterioration of ambient air quality?	_____	_____	<u>X</u>
b. The creation of objectionable odors?	_____	_____	<u>X</u>
c. Alteration of air movement, moisture, or temperature, or any change in climate, either locally or regionally?	_____	_____	<u>X</u>
3. Water. Will the proposal result in:			
a. Changes in currents, or the course of direction of water movements, in either marine or fresh waters?	_____	_____	<u>X</u>
b. Changes in absorption rates, drainage patterns, or the rate and amount of surface runoff?	_____	_____	<u>X</u>
c. Alterations to the course or low of flood waters?	_____	_____	<u>X</u>
d. Change in the amount of surface water in any water body?	_____	_____	<u>X</u>
e. Discharge into surface waters, or in any alteration of surface water quality, including but not limited to temperature, dissolved oxygen or turbidity?	_____	_____	<u>X</u>
f. Alteration of the direction or rate of flow of ground waters?	_____	_____	<u>X</u>
g. Change in the quantity of ground waters, either through direct additions or withdrawals, or through interception of an aquifer by cuts or excavations?	_____	_____	<u>X</u>
h. Substantial reduction in the amount of water otherwise available for public water supplies?	_____	_____	<u>X</u>
i. Exposure of people or property to water related hazards such as flooding or tidal waves?	_____	_____	<u>X</u>
4. Plant Life. Will the proposal result in:	_____	_____	<u>X</u>
a. Change in the diversity of species, or number of any species of plants (including trees, shrubs, grass, crops, and aquatic plants)?	_____	_____	<u>X</u>

	<u>Yes</u>	<u>Maybe</u>	<u>No</u>
b. Reduction of the numbers of any unique, rare or endangered species of plants?	_____	_____	<u>X</u>
c. Introduction of new species of plants into an area, or in a barrier to the normal replenishment of existing species?	_____	_____	<u>X</u>
d. Reduction in acreage of any agricultural crop?	_____	_____	<u>X</u>
5. Animal Life. Will the proposal result in:			
a. Change in the diversity of species, or numbers of any species of animals (birds, land animals including reptiles, fish and shellfish, benthic organisms or insects)?	_____	_____	<u>X</u>
b. Reduction of the numbers of any unique, rare or endangered species of animals?	_____	_____	<u>X</u>
c. Introduction of new species of animals into an area, or result in a barrier to the migration or movement of animals?	_____	_____	<u>X</u>
d. Deterioration to existing fish or wildlife habitat?	_____	_____	<u>X</u>
6. Noise. Will the proposal result in:			
a. Increases in existing noise levels?	_____	_____	<u>X</u>
b. Exposure of people to severe noise levels?	_____	_____	<u>X</u>
7. Light and Glare. Will the proposal produce new light or glare?	_____	_____	<u>X</u>
8. Land Use. Will the proposal result in a substantial alteration of the present or planned land use of an area?	_____	_____	<u>X</u>
9. Natural Resources. Will the proposal result in:			
a. Increase in the rate of use of any natural resources?	_____	_____	<u>X</u>
10. Risk of Upset. Will the proposal involve:			
a. A risk of an explosion or the release of hazardous substances (including, but not limited to, oil, pesticides, chemicals or radiation) in the event of an accident or upset conditions?	_____	_____	<u>X</u>

	<u>Yes</u>	<u>Maybe</u>	<u>No</u>
b. Possible interference with an emergency response plan or an emergency evacuation plan?	_____	_____	<u>X</u>
11. Population. Will the proposal alter the location, distribution, density, or growth rate of the human population of an area?	_____	_____	<u>X</u>
12. Housing. Will the proposal affect existing housing, or create a demand for additional housing?	_____	_____	<u>X</u>
13. Transportation/Circulation. Will the proposal result in:			
a. Generation of substantial additional vehicular movement?	_____	_____	<u>X</u>
b. Effects on existing parking facilities, or demand for new parking?	_____	_____	<u>X</u>
c. Substantial impact upon existing transportation systems?	_____	_____	<u>X</u>
d. Alterations to present patterns of circulation or movement of people and/or goods?	_____	_____	<u>X</u>
e. Alterations to waterborne, rail or air traffic?	_____	_____	<u>X</u>
f. Increase in traffic hazards to motor vehicles, bicyclists or pedestrians?	_____	_____	<u>X</u>
14. Public Services. Will the proposal have an effect upon, or result in a need for new or altered governmental services in any of the following areas:			
a. Fire protection?	_____	_____	<u>X</u>
b. Police protection?	_____	_____	<u>X</u>
c. Schools?	_____	_____	<u>X</u>
d. Parks or other recreational facilities?	_____	_____	<u>X</u>
e. Maintenance of public facilities, including roads?	_____	_____	<u>X</u>
f. Other governmental services?	_____	_____	<u>X</u>
15. Energy. Will the proposal result in:			
a. Use of substantial amounts of fuel or energy?	_____	_____	<u>X</u>

	<u>Yes</u>	<u>Maybe</u>	<u>No</u>
b. Substantial increase in demand upon existing sources or energy, or require the development of new sources of energy?	_____	_____	<u>X</u>
16. Utilities. Will the proposal result in a need for new systems, or substantial alterations to the following utilities:	_____	_____	<u>X</u>
17. Human Health. Will the proposal result in:			
a. Creation of any health hazard or potential health hazard (excluding mental health)?	_____	_____	<u>X</u>
b. Exposure of people to potential health hazards?	_____	_____	<u>X</u>
18. Aesthetics. Will the proposal result in the obstruction of any scenic vista or view open to the public, or will the proposal result in the creation of an aesthetically offensive site open to public view?	_____	_____	<u>X</u>
19. Recreation. Will the proposal result in an impact upon the quality or quantity of existing recreational opportunities?	_____	_____	<u>X</u>
20. Cultural Resources.			
a. Will the proposal result in the alteration of or the destruction of a prehistoric or historic archaeological site?	_____	_____	<u>X</u>
b. Will the proposal result in adverse physical or aesthetic effects to a prehistoric or historic building, structure, or object?	_____	_____	<u>X</u>
c. Does the proposal have the potential to cause a physical change which would affect unique ethnic cultural values?	_____	_____	<u>X</u>
d. Will the proposal restrict existing religious or sacred uses within the potential impact area?	_____	_____	<u>X</u>
21. Mandatory Findings of Significance.			
a. Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate			

	<u>Yes</u>	<u>Maybe</u>	<u>No</u>
important examples of the major periods of California history or prehistory?	_____	_____	<u>X</u>
b. Does the project have the potential to achieve short-term, to the disadvantage of long-term, environmental goals? (A short-term impact on the environment is one which occurs in a relatively brief, definitive period of time while long-term impacts will endure well into the future.)	_____	_____	<u>X</u>
c. Does the project have impacts which are individually limited, but cumulatively considerable? (A project may impact on two or more separate resources where the impact on each resource is relatively small, but where the effect of the total of those impacts on the environment is significant.)	_____	_____	<u>X</u>
d. Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	_____	_____	<u>X</u>

III. Discussion of Environmental Evaluation
(Narrative description of environmental impacts.)

IV. Determination
(To be completed by the Lead Agency.)

On the basis of this initial evaluation:

I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.



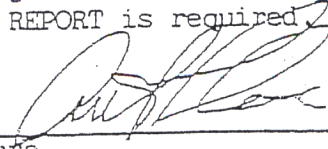
I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because the mitigation measures described on an attached sheet have been added to the project. A NEGATIVE DECLARATION WILL BE PREPARED.



I find the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.



SEPTEMBER 10, 1993
Date


Signature

For _____

(Note: This is only a suggested form. Public agencies are free to devise their own format for initial studies.)

REASONABLE ALTERNATIVES TO THE PROPOSED ACTION.

The Regional Board has three alternatives to the adoption of the addenda to Resolution 83-21:

- a) The Regional Board could issue waste discharge requirements on a case-by-case basis.
- b) The Regional Board could issue general waste discharge requirements for each type of discharge.
- c) The Regional Board could issue a waiver of waste discharge requirements on a case-by-case basis.

The above alternatives would result in the expenditure of additional staff resources to review and process applications for waste discharge requirements. Staff would also need to expend resources reviewing monitoring reports and conducting compliance inspections for those facilities that adopt waste discharge requirements. The above alternatives are not warranted because the threat to water quality for the projects is minimal.

MITIGATION MEASURES

The proposed action will not prevent the Regional Board from adopting waste discharge requirements where it is in the public interest to do so. Tentative addenda Nos. 1, 2 and 3 to Resolution clearly indicate that the Regional Board's waiver of adoption of waste discharge requirements may be terminated at any time for any specific discharge or any specific type of discharge. The tentative addenda also direct Regional Board staff to continue to request and review such information as it deems necessary to evaluate the water quality impacts of discharges of the types for which adoption of waste discharge requirements would be waived by the tentative addenda. Where staff concludes, on the basis of its review of information concerning a discharge, that a waiver of adoption of waste discharge requirements is not appropriate for the discharge, the tentative addenda direct staff to draft tentative waste discharge requirements for the discharge for consideration by the Regional Board.